

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



FRANKLIN ECHOLS
KECIA HARRIS
COREY ECHOLS
COURTNEY ECHOLS

Plaintiffs,

VERSUS

PAUL A. MOREE, AND PEARL RIVER
ELECTRIC POWER ASSOCIATION

Defendants.

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Civil Action No.

3:14cv783-HTW-LRA

Judge:

Magistrate Judge:

COMPLAINT

NOW INTO COURT, through undersigned counsel, come plaintiffs, Franklin Echols, Kecia Harris, Corey Echols, and Courtney Echols, who respectfully state:

Defendants

1.

Made defendants herein are:

1. PAUL A. MOREE, (a/k/a Tony Moree), an adult resident of and domiciled in Mississippi, who may be served with process of law at 983 Gates Rd., Columbia, MS 39429 (hereinafter referred to as "MOREE"); and
2. PEARL RIVER VALLEY ELECTRIC POWER ASSOCIATION, a Mississippi electric distribution cooperative, servicing more than 47,000 members in numerous counties in Southern Mississippi including Marion County, Lawrence County, Jeff Davis County,

Covington County, Forrest County, Lamar County, Perry County, Stone County, George County, Walthall County, and Pearl River County, which may be served with process of law via its registered agent, Randy Wallace, at 1422 Highway 13 North, Columbia, MS 39429 (hereinafter referred to as "PEARL RIVER VALLEY EPA").

Plaintiffs

2.

Plaintiffs herein are:

- A. FRANKLIN ECHOLS, an individual who is a resident of and domiciled in Louisiana;
- B. KECIA HARRIS, an individual who is a resident of and domiciled in Georgia;
- C. COREY ECHOLS, an individual who is a resident of and domiciled in Texas; and
- D. COURTNEY ECHOLS, an individual who is a resident of and domiciled in Alabama.

Jurisdiction and Venue

3.

Jurisdiction is proper in the United States District Court, for the Southern District of Mississippi under 28 U.S.C. § 1332, as the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

4.

Venue is proper in the United States District Court, for the Southern District of Mississippi under 28 U.S.C. § 1391(b)(2), as the incident complained of herein occurred in this District.

Statement of Facts

5.

At approximately 1:15 P.M. on February 4, 2014, Plaintiff, FRANKLIN ECHOLS was the driver of a 2012 Toyota Camry (hereinafter referred to as "the Echols vehicle"), headed North on Highway 13 in Marion County, Mississippi.

6.

Riding in the front passenger seat of the Echols vehicle was Mr. Echols' wife, BETRESS Q. ECHOLS, now deceased.

7.

At that same time, Defendant MOREE, an employee of Defendant, PEARL RIVER VALLEY EPA, was the driver of a 2012 Ford F550, VIN # 1FDUF5HT2CEA58366 (hereinafter referred to as "the bucket truck"), headed South on Highway 13.

8.

At all times and locations pertinent hereto, Highway 13 is a two-lane highway, consisting of one lane in either direction of travel.

9.

As Defendant, MOREE approached the intersection of Highway 13 and Lampton Hilltop Road, he came upon a stopped car in front of him preparing to turn left onto Lampton Hilltop Road from Highway 13. The stopped car had its left turn signal on.

10.

In order to avoid rear-ending the car stopped in front of him, Defendant, MOREE swerved the bucket truck to the left, entering the northbound (oncoming) lane of Highway 13, striking the Echols vehicle head-on.

11.

As a result of the foregoing, the passenger of the Echols vehicle, BETRESS Q. ECHOLS was killed and Plaintiff, FRANKLIN ECHOLS sustained severe physical injuries to his head, brain, neck, back, sternum, ribs, left knee, left index finger, and other injuries of the whole body.

12.

Plaintiff, FRANKLIN ECHOLS' individual damages include past, present, and future physical pain and suffering, past, present, and future mental anguish and anxiety, past, present, and future medical expenses, past, present, and future loss of enjoyment of life, disability, and other damages to be shown at the trial of this matter, all totaling \$750,000.00.

13.

At the time of her death, BETRESS Q. ECHOLS, was the wife of Plaintiff, FRANKLIN ECHOLS and the mother of their three children, plaintiffs KECIA HARRIS, COREY ECHOLS, and COURTNEY ECHOLS.

14.

Plaintiffs, FRANKLIN ECHOLS, KECIA HARRIS, COREY ECHOLS, and COURTNEY ECHOLS also bring claims for damages arising as a result of the wrongful death of BETRESS Q. ECHOLS, all totaling \$4,000,000.00, including but not limited to:

1. Each Plaintiff's individual claim for emotional distress arising as a result of the death of BETRESS Q. ECHOLS;
2. Each Plaintiff's individual claim for the loss of society and companionship of BETRESS Q. ECHOLS; and
3. All other damages allowable pursuant to § 11-7-13 Miss. Code Ann. (1972) as amended.

Count I: Negligence as to Defendant, MOREE

15.

The foregoing incident and resulting damages was caused by the fault of Defendant MOREE, as follows:

1. Violation of certain Mississippi Revised Statutes, including but not limited to § 63-3-1201 Miss. Code Ann. (1972) as amended (reckless driving), § 63-3-619 Miss. Code Ann. (1972) as amended (following too closely), and § 63-3-601 Miss. Code Ann. (1972) as amended (driving on the wrong side of the road);
2. Failure to keep a proper lookout and see what should have been seen;
3. Driving inattentively;
4. Failure to stop;
5. Reckless and wanton disregard for the safety of others;
6. Careless operation of a motor vehicle; and
7. Any other acts of negligence which may be proven at trial.

16.

As set forth above, and on information and belief, Defendant MOREE was grossly negligent in the operation of the bucket truck, evidencing a willful, wanton, and reckless disregard for the safety of others, resulting in injuries to Plaintiff, FRANKLIN ECHOLS and the death of BETRESS Q. ECHOLS, entitling Plaintiffs to recover punitive damages in addition to compensatory damages.

Count II: Negligence as to Defendant, PEARL RIVER VALLEY EPA

17.

At all times pertinent hereto, Defendant, MOREE was an employee of Defendant, PEARL RIVER VALLEY EPA, and was in the course and scope of his employment at the time he struck the Echols vehicle.

18.

At all times pertinent hereto, Defendant PEARL RIVER VALLEY EPA owned the bucket truck driven by Defendant MOREE.

19.

As a result thereof, and pursuant to § 85-5-7 Miss. Code Ann. (1972) as amended, PEARL RIVER VALLEY EPA is liable for the negligence of its employee, Defendant, MOREE.

20.

The foregoing incident and resulting damages was further caused by the fault of Defendant PEAR RIVER VALLEY EPA, as follows:

1. Negligent hiring of its employee, Defendant MOREE;
2. Failure to properly supervise its employee, Defendant MOREE;
3. Failure to properly train its employee, Defendant MOREE; and
4. Any other acts of negligence which may be proven at trial.

21.

As set forth above, and on information and belief, Defendant PEARL RIVER VALLEY EPA was grossly negligent in its hiring, supervision, training, and direction of its employee, Defendant, MOREE, evidencing a willful, wanton, and reckless disregard for the safety of

others, resulting in injuries to Plaintiff, FRANKLIN ECHOLS and the death of BETRESS Q. ECHOLS, entitling Plaintiffs to recover punitive damages in addition to compensatory damages.

22.

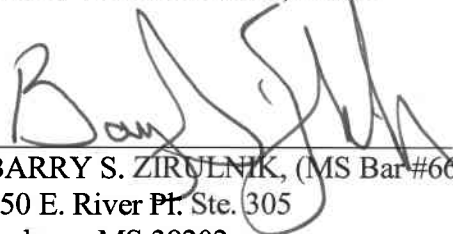
Plaintiffs hereby request a trial by jury on all issues herein.

WHEREFORE, Plaintiffs, FRANKLIN ECHOLS, KECIA HARRIS, COREY ECHOLS, and COURTNEY ECHOLS pray that the Defendants be served with a copy of this complaint, be duly ordered to appear and answer same, and after all legal delays and due proceedings be had, there be judgment herein, in favor of Plaintiffs, FRANKLIN ECHOLS, KECIA HARRIS, COREY ECHOLS, and COURTNEY ECHOLS and against Defendants, PAUL A. MOREE, and PEARL RIVER VALLEY ELECTRIC POWER ASSOCIATION, jointly and severally for the full amount of damages suffered by the Plaintiffs, totaling \$4,750,000.00, and for punitive damages, legal interest from date of judgment until paid, and for all costs of these proceedings.

Respectfully submitted,

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